IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 6170 of 2007
Date of decision: 29.11.2007

Jogi Ram **...Petitioner**

Versus

Uttari Haryana Bijli Vitran Nigam and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Ashwani Kumar Bura, Advocate for the petitioner.

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RAJESH BINDAL, J.

The challenge in the present petition is to the order passed by the Courts below whereby prayer for interim injunction made by the petitioner/plaintiff under Order 39 Rule l and 2 of the Code of Civil Procedure (for short 'the Code') was rejected.

The petitioner filed a suit for permanent injunction seeking a restraint against the respondents from erecting/installing any electric high tension power line through the suit land, which is owned by the petitioner. Both the Courts below found that high tension power line was being erected by the respondents under a sanctioned scheme in larger public interest. The prayer made by the petitioner to the effect that in case alignment of the high tension power line is shifted to one side, his land can be saved. This relief cannot possibly be granted by this Court especially when petitioner is challenging the order passed under 39 Rule l and 2 of the Code. The alignment of high tension power line is the subject matter of opinion of expert, which cannot be directed to be changed by this Court, that too on consideration of application for interim relief without there being any material on record.

Accordingly, I do not find any merit in the present petition and the same is dismissed.

November 29, 2007 **(Rajesh Bindal)**
Pka **Judge**